

**County of Loudoun**  
**Department of Planning**  
**MEMORANDUM**

**DATE:** May 5, 2009

**TO:** Nicole Steele, Project Manager  
Land Use Review

**FROM:** Sarah Milin, Senior Planner *sm*  
Community Planning

**SUBJECT: SPEX 2009-0007, Newton School**

**BACKGROUND**

Newton School of Great Falls, Virginia has submitted an application for a Special Exception to permit a private school in the PD-IP (Planned Development – Industrial Park) zoning district. The property is located within the Route 28 Taxing District and is subject to the Revised 1993 Loudoun County Zoning Ordinance. Private school uses in the PD-IP zoning district, per Section 4-504(II) of the Zoning Ordinance, require Special Exception approval. The subject property is approximately 4.15 acres in size and is located within Loudoun Commerce Center (which has been developed with three



*Vicinity Map*

flex/industrial buildings) on the southwest corner of Nokes Boulevard and Cascades Parkway (see Vicinity Map). The school is proposed to occupy approximately 29% of the westernmost building, or 11,905 of the 41,133 total square feet. There is no proposed expansion in the footprint of the building or changes to the site's design except for the addition of signage. Surrounding uses include Loudoun Tech Center to the north, additional flex-

industrial buildings within Loudoun Commerce Center to the east, flex-industrial and industrial uses to the south along Maries Road, and a flex-industrial building to the west.

According to the Statement of Justification, the proposed use is a private elementary day school serving kindergarten through the 6<sup>th</sup> grade. The plan is to open the school with 20 to 30 students and grow to 50 to 60 over the next several years, with a maximum enrollment of 75 students. There will be no outdoor use by the students, no food service provided by the school, and hours of operation will be 8:00 am to 5:00 pm. Up to 17 classrooms will be provided along with gyms, art, music, lunchroom and therapy rooms. As the use will be located in an existing building and no site disturbance is being proposed with this application, the Applicant has requested and been granted a waiver of the Archaeological & Historical Features, Endangered Species Habitat, and Tree Stand Inventory requirements.

### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The subject property is governed by the policies of the Revised General Plan which designate this area for Keynote Employment land uses. It is located within the Sterling Community in the Suburban Policy Area and falls within the Route 28 Tax District (Revised General Plan, Chapter 7, Planned Land Use Map).

The application has been reviewed under the Revised General Plan Suburban policies of Chapter 6, specifically the Keynote Employment, Route 28 Tax District, and Infill, Redevelopment, and Revitalization Development policies. Because there is no proposed expansion in the footprint of the office building or any changes to the site's design, staff has not analyzed the project for existing conditions or site design issues except as needed to mitigate potential impacts.

### **ANALYSIS**

#### **Land Use**

Properties like the subject site that are designated for Keynote Employment land uses are envisioned to develop with 100-percent premier office or research-and-development centers supported by ancillary retail and personal services for employees (Revised General Plan, Chapter 6, Keynote Employment Centers text). They include office parks, research and development parks, corporate headquarters, and similar uses of a large scale that range in intensity from 0.40 to 1.0 FAR (Floor Area Ratio) (Revised General Plan, Chapter 6, Suburban Policy Area Land Use Matrix). The County targets properties along and adjacent to the key business corridors of Route 7, Route 28, and the Dulles Greenway for these types of developments in order to promote their economic development (Revised General Plan, Chapter 6, Keynote Employment Centers text and Chapter 7, Planned Land Use map). The Plan provides direction regarding the overall land use mix ratio (measured as a percentage of the land area) recommended for Keynote Employment Centers, as shown in the table below.

Table 1: Recommended Land Use Mix for Keynote Employment Centers

Land Use Category	Minimum Required	Maximum Permitted
Regional Office	70%	85%
Commercial Retail & Services*	0	10%
Public & Civic	5%	No Maximum
Public Parks & Open Space	10%	No Maximum

\* Retail Policy guidance provided in *Countywide Retail Plan*.

The application proposes a private school within an existing flex-industrial building located in Loudoun Commerce Center. The proposed private elementary school is considered a public and civic use per Plan policies. The Plan defines civic uses as: *"Public or quasi-public institutional uses in residential or business areas that primarily serve the immediate community and that, due to their small size, design and limited ancillary activities (traffic, parking, noise, or similar activity) are compatible with the surrounding residential or business uses. Such uses may typically include small churches, fire and rescue facilities, schools, day care centers, group homes, community centers, post offices, and community club houses"* (*Revised General Plan, Glossary*). The land use mix for Keynote Employment Centers recommend that at least 5% of total land area be developed with public and civic uses; there is no maximum on the amount of public and civic uses permitted (*Revised General Plan, Chapter 6, Keynote Employment Center Policy 4*).

Given that the Plan does not limit the amount of public and civic uses that can be developed in Keynote Employment Centers and no site design changes except for signage are proposed with this application, staff finds that the proposed private school is an appropriate use on the property provided that conditions of approval are developed to ensure that any potential negative impacts on surrounding uses will be avoided, minimized or mitigated. Staff notes, however, that the existing flex-industrial buildings that have been constructed on the subject property are overall not consistent with its Keynote Employment planned land use designation.



View of the building within Loudoun Commerce Center (45965 Nokes Boulevard) where the proposed private school is to be located.

Plan policies state that each new development within the Suburban Policy Area should be viewed in the context of its larger community and ensure the long-term sustainability of both the individual development and the broader community (Revised General Plan, Chapter 6, Land Use Pattern and Design text). Infill projects should be evaluated based on how the proposed use functions on the site relative to the established development pattern, rather than simply based on the use itself. Factors to be considered include the size of the parcel, residential densities on adjacent parcels, compatible site design with or without buffering, use intensity, development pattern and scale, road and pedestrian network, and impact of noise and light generated on the site (Revised General Plan, Chapter 6, Infill, Redevelopment, and Revitalization Development Policy 1).

For this application, appropriate conditions of approval could include limits on the number of students (e.g., student enrollment shall be limited to seventy five students, full-time or part-time, per school year) and grades served (e.g., kindergarten through the 6th grade). It may also be appropriate for the proposed school to designate specific parking spaces (including drop-off spaces) for their use; stagger drop-off and pick-up times given that Loudoun Commerce Center is served by only one access point on Nokes Boulevard; and phase the number of children who can attend the school to the amount of space leased, unless covered by applicable state codes or other regulations. Staff defers to the Office of Transportation Services regarding specific recommendations regarding transportation circulation. The Revised 1993 Loudoun County Zoning Ordinance does not include additional standards for private schools.

Section 6-1310 of the Zoning Ordinance lists several criteria that should be given reasonable consideration when considering a Special Exception application. The Applicant has not provided sufficient detail in their submission to fully justify the proposed request. For example, the Applicant should explain how the noise level will not negatively impact the uses in the immediate area, how it will be compatible with other existing uses in the neighborhood and adjacent parcels, etc. Further discussion of these factors, in addition to more information regarding applicable state codes or other regulations, would help determine what conditions of approval would be appropriate for this application.

***Staff finds the proposed private school use is generally in conformance with the Keynote Employment land use policies of the Revised General Plan. Staff recommends that appropriate conditions of approval be developed to ensure that potential negative impacts on surrounding uses will be avoided, minimized or mitigated. To help staff with this analysis, the Applicant should provide information regarding state and/or other regulations pertaining to private schools, including the Applicant's intent to seek accreditation, as well as more detailed justification for each standard criteria listed in Section 6-1310 of the Zoning Ordinance.***

### **ROUTE 28 TAX DISTRICT**

The property is located within the Route 28 Tax District. This application is proposing a change from a commercial or light industrial use, which generates tax revenues for the District, to a private school, which may be tax exempt. According to the Statement of Justification, the school has filed for a non-profit application with the IRS.

***Staff notes that the proposed school use, which may be tax exempt, would not generate tax revenues needed in the Route 28 Tax District to offset fiscal impacts.***

### **RECOMMENDATIONS**

The proposed private school use is consistent with the land use policies of the Revised General Plan. Staff will be able to recommend approval of the Special Exception application once the issues raised above are adequately addressed.

cc: Julie Pastor, AICP, Planning Director  
Cindy Keegan, AICP, Program Manager, Community Planning, via e-mail

COUNTY OF LOUDOUN  
MEMORANDUM  
DEPARTMENT OF BUILDING AND DEVELOPMENT



**DATE:** April 13, 2009  
**TO:** Nicole Steele, Project Manager, Department of Planning  
**FROM:** Teresa H. Miller, Planner, Zoning Administration (THW)  
**CC:** Marilee Seigfried, Deputy Zoning Administrator  
**CASE NUMBER AND NAME:** SPEX-2009-0007 Newton School  
**TAX/MAP PARCEL NUMBER:** /81///9///19/  
**MCPI:** 030-20-3058

Zoning Administration has reviewed the above referenced **Special Exception (SPEX)** application for conformance to the Revised 1993 Loudoun County Zoning Ordinance and has the following comments.

**Statement of Justification**

1. The title block and opening paragraph of the Statement of Justification list the section of the zoning ordinance permitted school by special exception in the PD-IP zoning district as Section 4-504(LL). Please correct these references as the section listing school as a special exception use is Section 4-504(II).
2. Under Proposed Use, the applicant has listed the hours of operation from 8:00 AM until 5:00 PM, while under Traffic Impact it is noted some after school activities could run until 6:00 PM. Please verify the correct hours and update as necessary.
3. Justification for each standard criteria listed in Section 6-1310 will need to be more detailed. For example, please explain how this use is consistent with the general plan, how the noise level will not negatively impact the uses in the immediate area, etc.

**Special Exception Plan**

4. Please update General Note 4 to reference Section 5-1200 regarding conformance to sign regulations.

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Loudoun County, Virginia  
**Department of Fire, Rescue and Emergency Management**

803 Sycolin Road, Suite 104 Leesburg, VA 20175  
Phone 703-777-0333 Fax 703-771-5359



## Memorandum

**To:** Nicole Steele, Project Manager  
**From:** Maria Figueroa Taylor, Fire-Rescue Planner  
**Date:** April 27, 2009  
**Subject:** Newton School  
SPEX 2009-0007



Thank you for the opportunity to review the above captioned application. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Sterling VFRC Station 18/25 Cascades Travel Time
030-20-3058	Newton School	3 minutes, 53 seconds

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	Sterling VFRC Station 18/25 Cascades Response Times
Newton School	5 minutes, 53 seconds

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file

Teamwork \* Integrity \* Professionalism \* Service

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April 24, 2009

Ms. Nicole Steel  
Department of Planning  
1 Harrison Street, S.E.  
P. O. Box 7000  
Leesburg, Virginia 20177-7000

**Re: SPEX-2009-0007, Newton School**

Dear Ms. Steele:

Loudoun Water has reviewed the referenced Special Exception Application and offers no objection to its approval.

Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to Loudoun Water at no cost the County or to the Authority. Public water and sanitary sewer service would be contingent upon the developer's compliance with Loudoun Water's Statement of Policy; Rates, Rules and Regulations; and Design Standards.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Julie Atwell".

Julie Atwell  
Engineering Administrative Specialist



**County of Loudoun**  
**Office of Transportation Services**  
**MEMORANDUM**

**DATE:** May 1, 2009  
**TO:** Nicole Steele, Project Manager, Department of Planning  
**FROM:** Shaheer Assad, Senior Transportation Engineer/Planner  
**SUBJECT:** SPEX 2009-0007 Newton School



**First Referral**

**Background**

The applicant is seeking approval of a special exception to allow a school use in an existing building in the PD-IP (Industrial Park) Zoning District. The proposed use will occupy 11,905 square feet of a 41,000 square foot building that is currently used for flex office/warehouse. The Zoning Ordinance –Section 4-504(II) allows the site to be used for a school use. The proposed school will function as a full-time educational program to help children who may have difficulties in a traditional school environment.

The site is located on the northwest quadrant of the Nokes Boulevard/Ridgetop Circle (East) intersection. Access to the proposed site will be provided via the existing full access site entrance along Nokes Boulevard (opposite Ridgetop Circle).

**Existing, Planned and Programmed Roads**

Currently, Nokes Boulevard is a 4-lane, median-divided, major collector roadway with controlled access. Left-and right-turn lanes are provided at all intersections with a grade-separated interchange at Route 28. As shown in the Countywide Transportation Plan (CTP), Nokes Boulevard has reached its ultimate condition in the vicinity of the site. There is currently no signal at the intersection of Nokes Boulevard/Ridgetop Circle (East).

The applicant has stated that the proposed site will generate 32 trips in the PM peak hour and 57 in the AM peak hour. The average daily traffic that will be generated by this site is approximately 149 vehicles. The following table shows a comparison of the trips generated by the proposed Newton School development to the existing use on the site:

Trip Generation Calculations (2010)

Land use	ITE Code	Size	Units	AM Peak Hour	PM Peak Hour	Average Daily Traffic
<b>Existing/Approved Use:</b>						
<b>Manufacturing Office</b>	140	6.0	KSF	5	4	21
	710	6.0	KSF	20	86	151
<b>Total</b>		<b>12.0</b>	<b>KSF</b>	<b>25</b>	<b>90</b>	<b>172</b>
<b>Proposed Use</b>						
<b>Private School</b>	<b>534</b>	<b>60</b>	<b>Students</b>	<b>57</b>	<b>32</b>	<b>149</b>
<b>Difference</b>				<b>32</b>	<b>-58</b>	<b>-23</b>

The proposed development will generate 32 additional trips in the AM peak hour but will reduce PM peak hour trips by 58 and daily trips by 23 when compared to the approved/existing use.

### Existing and Forecasted Traffic Volumes and Levels of Service

The existing and future AM and PM Peak period traffic volumes are shown on Attachment 2. Level of service analysis (with the development in place) at the intersection of Nokes Boulevard/Ridgetop Circle indicate that the intersection will operate at an acceptable level of service during both the AM and PM peak hour in the build-out year of 2010. As shown on Attachment 2, there is no mitigation required at the intersection of Nokes Boulevard/Ridgetop Circle.

### Comments

1. The traffic impact study shows the trip generation data for the proposed use that would add 32 trips to the adjacent road network during the AM peak hour, reduce PM peak hour trips by 58 and reduce daily trips by 23. As indicated in the traffic study, the traffic impact will not be significant and therefore the proposed site will not require an improvements to the its frontage along Nokes Boulevard. Similarly, the intersection of Nokes Boulevard /Ridgetop Circle currently operates and is projected to operate at an acceptable level of service and does not require a signal.
2. The applicant should provide handicapped-accessible ramps to facilitate access to the existing building that meet ADA (Americans with Disabilities Act) standards in terms of the width and slope.

## **Conclusion**

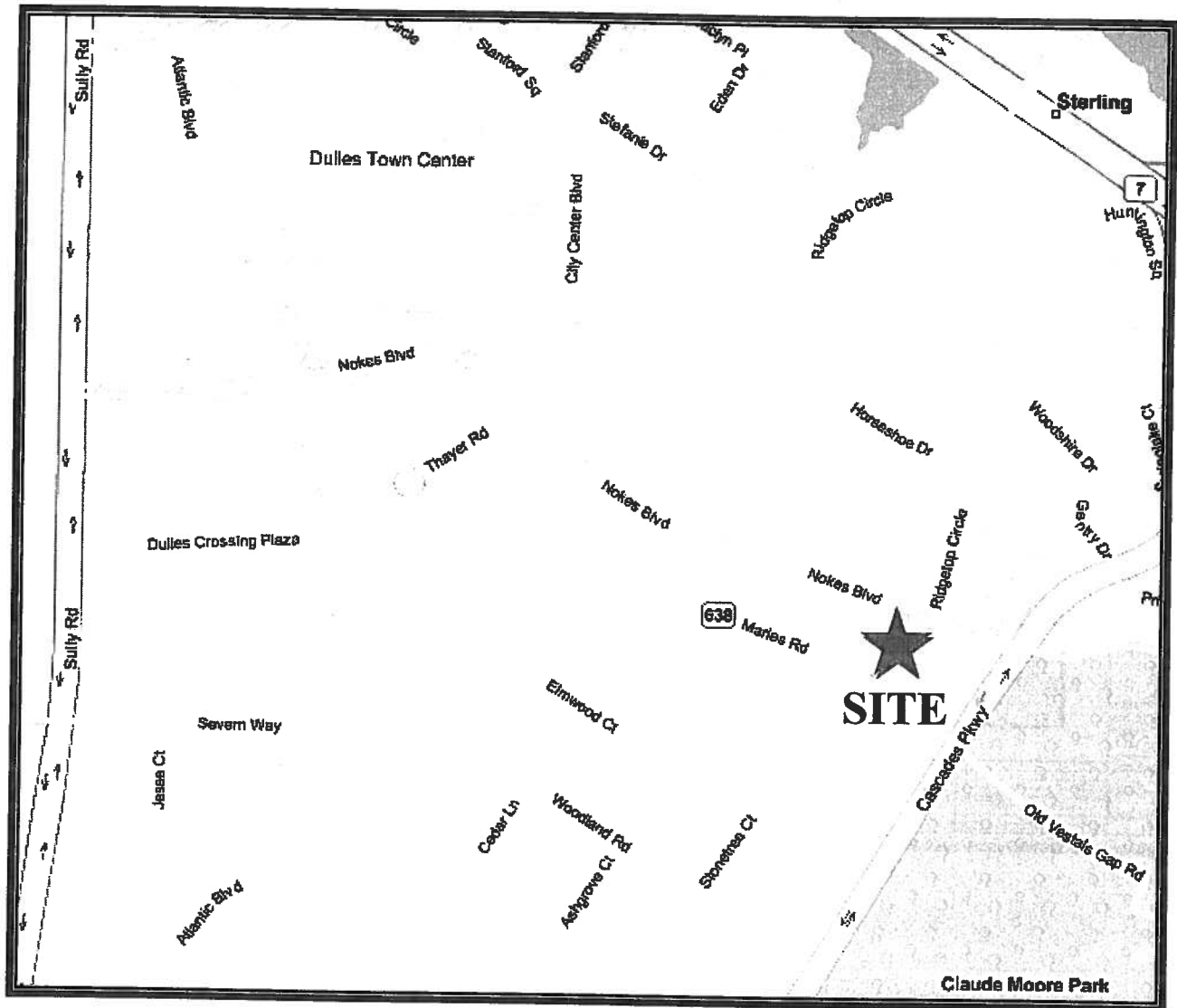
**The Office of Transportation Services would have a favorable recommendation on this project once the applicant agrees to provide ADA ramps.**

**Attachment 1, Project Vicinity Map.**

**Attachment 2, Summary of Traffic Impact Analysis**

CC: Andrew Beacher, Assistant Director, Office of Transportation Services

Figure 1: Regional Map and Site Location



ATTACHMENT 1



Existing Lane Configuration	Existing Volumes	Existing Peak Hour Level of Service	Site Generated Peak Hour Volumes
	<p><b>Ridge Top Circle</b></p> <p>74/38 217/215 40/21</p> <p><b>Site Drive</b></p> <p>91/49 110/506 27/31</p>	<p><b>Ridge Top Circle</b></p> <p>B/C</p> <p><b>Site Drive</b></p> <p>A/A</p>	<p><b>Ridge Top Circle</b></p> <p>0/0 0/0 28/12</p> <p><b>Site Drive</b></p> <p>0/0 0/0 4/3</p>
Recommended Improvements	Volumes without Development	Level of Service without Development	Site Trip Distribution
<p><b>NO MITIGATION REQUIRED</b></p>	<p><b>Ridge Top Circle</b></p> <p>74/38 317/262 40/21</p> <p><b>Site Drive</b></p> <p>91/49 141/405 27/31</p>	<p><b>Ridge Top Circle</b></p> <p>B/C</p> <p><b>Site Drive</b></p> <p>A/A</p>	<p><b>Ridge Top Circle</b></p> <p>0/0 0/0 4/3</p> <p><b>Site Drive</b></p> <p>0/0 0/0 4/3</p>
Recommended Improvements	Volumes with Development	Level of Service with Development	Site Trip Distribution
<p><b>NO MITIGATION REQUIRED</b></p>	<p><b>Ridge Top Circle</b></p> <p>74/38 317/262 66/33</p> <p><b>Site Drive</b></p> <p>91/49 141/405 31/34</p>	<p><b>Ridge Top Circle</b></p> <p>C/C</p> <p><b>Site Drive</b></p> <p>A/A</p>	<p><b>Ridge Top Circle</b></p> <p>0/0 0/0 4/3</p> <p><b>Site Drive</b></p> <p>0/0 0/0 4/3</p>

**Figure 3**  
Summary of Traffic Impact Analysis Results  
Note: XXYY = AM/PM Weekday Peak Hours

ATTACHMENT 2



# COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.  
COMMISSIONER

## DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8368)

May 5, 2009

Nicole Steele, Project Manager  
County of Loudoun  
Department of Planning  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, Virginia 20177-7000

Re: Newton School SPEX 2009-0007

Dear Ms. Steele:

We have reviewed the above noted application as requested in your April 1, 2009 transmittal, and we offer the following comments.

1. There are discrepancies in the Statement of Justification and the Traffic Impact Study (TIS) relating to the maximum number of students and the hours of operation. The TIS indicates 60 students as "the worst case scenario", yet the Statement of Justification indicates a maximum enrollment of 75 students. Also, the TIS indicates hours of operation from 8:30 AM to 3:15 PM, yet the Statement of Justification indicates 8:00 AM to 5:00 PM on one page, and "8:30 AM to 3:15 PM with some after school programs running until 6:00 PM" on another page. This office would recommend clarification be provided on these two items.
2. Although the above items may cause an adjustment to some of the data in the TIS, this office would not anticipate the need for roadway improvements associated with this application, as it appears the existing entrance location, turn lanes, and roadway network are adequate to accommodate the proposed use.

If you have any questions, please call me at (703) 383-2041.

Sincerely,

Thomas B. Walker  
Senior Transportation Engineer



I, Rich Brittingham, do hereby state that I am an  
\_\_\_ Applicant

☒ Applicant's Authorized Agent listed in Section C.1. below



in Application Number(s): Newton School at Loudoun Commerce Center – SPEX 2009-XX

and that to the best of my knowledge and belief, the following information is true:

**C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS**

**1. REAL PARTIES IN INTEREST**

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application\* and if any of the forgoing is a **TRUSTEE\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i><b>PIN</b></i>	<i><b>NAME</b></i> <i><b>(First, M.I., Last)</b></i>	<i><b>ADDRESS</b></i> <i><b>(Street, City, State, Zip Code)</b></i>	<i><b>RELATIONSHIP</b></i> <i><b>(Listed in bold above)</b></i>
Lot 19A Loudoun Tech Center – Section 3, Broad Run District 030-20-3058	Clarke-Hook Corporation, Edward C. Zigo, President	14506-E Lee Road Chantilly, VA 20151	Owner
	Newton School	511 Nalls Dairy Court Great Falls, VA 22066	Applicant
	Dewberry & Davis LLC	8401 Arlington Blvd Fairfax, VA 22031	Engineer/ Agent
	Gorove Slade Associates, Inc.	1140 Connecticut Ave, NW Suite 700, Washington DC 20036	Traffic Consultant

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

\_\_\_ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

### **Listing of Individual Agents**

1. **Clark-Hook Corporation**  
Ed Zigo
2. **Newton School**  
Allison Abraham
3. **Dewberry & Davis**  
Rich Brittingham  
David Boeing
4. **Gorove Slade Associates, Inc.**  
Chris Tacinelli  
Tushar Awar

## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

**OWNER - Clarke-Hook Corporation, 14506-E Lee Road, Chantilly, VA 20151**

### Description of Corporation:

  X   *There are 100 or fewer shareholders and all shareholders are listed below.*

       *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

       *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

       *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

### Names of Shareholders:

<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>	<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>
<i>See Attached</i>	

### Names of Officers and Directors:

<b>NAME</b> <b>(First, M.I., Last)</b>	<b>Title</b> <b>(e.g. President, Treasurer)</b>
Edward C. Zigo, III	President
F. David Clarke, III	Vice President
Mary Clarke Zigo	Treasurer
Helen Hook Clarke	Secretary
Susan Pevenstein	Assistant Secretary

Check if applicable:

       *There is additional Corporation Information. See Attachment to Paragraph C-2.*

## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

OWNER – Newton School – 511 Nalls Dairy Court, Great Falls, VA 22066

### Description of Corporation:

  X   There are 100 or fewer shareholders and all shareholders are listed below.

       There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

       There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

       There are more than 500 shareholders and stock is traded on a national or local stock exchange.

### Names of Shareholders:

<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>	<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>
Allison Abraham, Member	
Sonja Lopez, Member	
Deborah Parks, Member	

### Names of Officers and Directors:

<b>NAME</b> <b>(First, M.I., Last)</b>	<b>Title</b> <b>(e.g. President, Treasurer)</b>
Allison Abraham	President
Sonja Lopez	Vice-President

Check if applicable:

       There is additional Corporation Information. See Attachment to Paragraph C-2.

## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)  
Dewberry & Davis LLC, 8401 Arlington Boulevard, Fairfax, VA 22031

### Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

       *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

       *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

       *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

**Names of Shareholders:** The majority member of Dewberry & Davis LLC is The Dewberry Companies LC (99.9997%). The individual members of The Dewberry Companies LC are:

<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>	<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>
Sidney O. Dewberry	The Michael Sidney Dewberry Revocable Trust
Barry K. Dewberry	Thomas L. Dewberry
Karen S. Grand Pre	

**Names of Officers and Directors:** The following is a list of the Board of Managers of Dewberry & Davis LLC (this entity is manager-managed):

<b>NAME</b> <b>(First, M.I., Last)</b>	<b>Title</b> <b>(e.g. President, Treasurer)</b>
Sidney O. Dewberry	Chairman of the Board
Barry K. Dewberry	Manager
Ronald L. Ewing	Manager

Check if applicable:

X *There is additional Corporation Information. See Attachment to Paragraph C-2.*

## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

**OWNER - Gorove Slade Associates Inc., 1140 Connecticut Ave, NW Suite 700, Washington DC 20036**

### Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

### Names of Shareholders:

<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>	<b>SHAREHOLDER NAME</b> <b>(First, M.I., Last)</b>
Christopher M. Tacinelli	
Chad A. Baird	
Daniel B. VanPelt	

### Names of Officers and Directors:

<b>NAME</b> <b>(First, M.I., Last)</b>	<b>Title</b> <b>(e.g. President, Treasurer)</b>
Christopher M. Tacinelli	President
Chad A. Baird	Vice President / Treasurer
Daniel B. VanPelt	Vice President / Secretary

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.



### 3. **PARTNERSHIP INFORMATION**

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

**Partnership name and address:** (complete name, street address, city, state, zip)

\_\_\_\_\_

\_\_\_ (check if applicable) The above-listed partnership has no limited partners.

**Names and titles of the Partners:**

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)

Check if applicable:

\_\_\_ Additional Partnership information attached. See Attachment to Paragraph C-3.

#### 4. **ADDITIONAL INFORMATION**

- a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(a).*

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

**EXCEPT AS FOLLOWS: (If none, so state).**

None

**Please note that for disclosure purposes, Edward C. Zigo, III is a member of the Loudoun County Economic Development Commission.**

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(b).*

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

**EXCEPT AS FOLLOWS: (If none, so state).**

None

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(c).*

**D. COMPLETENESS**

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

*Rich T. Brittingham*

check one: ☐ Applicant or ☒ Applicant's Authorized Agent

Rich T. Brittingham

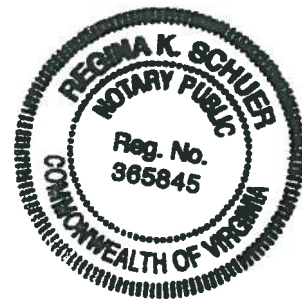
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 19<sup>th</sup> day of May 2009, in  
the State/Commonwealth of Virginia, in the County/City of Landover

*Regina K. Schuer*

Notary Public

My Commission Expires: January 31, 2013



Shareholder List

F. David Clarke	4925 Lowell St., N.W. – Washington, D.C. 20016
Helen H. Clarke	4925 Lowell St., N.W. – Washington, D.C. 20016
Megan W. Helton	2204 Village Avenue – Louisville, KY 40205
Patrick G. Helton	2204 Village Avenue – Louisville, KY 40205
Mary C. Zigo	12301 Blair Ridge Rd. – Fairfax, VA. 22033
Edward C. Zigo	12301 Blair Ridge Rd. – Fairfax, VA. 22033
Edward J. Zigo	12301 Blair Ridge Rd. – Fairfax, VA. 22033
Mary H. Zigo	12301 Blair Ridge Rd. – Fairfax, VA. 22033
Thomas P. Zigo	12301 Blair Ridge Rd. – Fairfax, VA. 22033
Ann M. Zigo	12301 Blair Ridge Rd. – Fairfax, VA. 22033
F. David Clarke, III	11800 Lyrac Court – Oakton, VA. 22124
F. David Clarke, IV	304 Arch St., #4E - Philadelphia, Pa. 19106
Sheila C. Clarke	11800 Lyrac Court – Oakton, VA. 22124
Joseph D. Clarke	11800 Lyrac Court – Oakton, VA. 22124
Bridget C. Murphy	3403 Blakesley Hall Ct. – Herndon, VA. 22071
John F. Murphy Custodian For Margaret M. Murphy	3403 Blakesley Hall Ct. – Herndon, VA. 22071
Catherine A. Murphy	3403 Blakesley Hall Ct. – Herndon, VA. 22071
Catherine T. Clarke	4711 Rodman St. N.W. – Washington, D.C. 20016
James W. Clarke	6647 Bean Mountain Lane – Boulder, CO. 80301
Neil B. Shister Custodian For William F. C. Shister, Minor	4711 Rodman St. N.W. – Washington, D.C. 20016



**STATEMENT OF JUSTIFICATION**  
**NEWTON SCHOOL AT LOUDOUN COMMERCE CENTER**  
**45965 Nokes Blvd,**  
**Sterling, VA 20166**  
**Special Exception to Permit a private school use in the**  
**PD-IP Zoning District Section 4-504 (II)**  
**5 May 2009**

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This Statement of Justification is submitted in support of an Application for Special Exception pursuant to Section 6-1300 of the Revised 1993 Loudoun County Zoning Ordinance (LCZO). This Application seeks the approval of a private elementary day school for children with a maximum enrollment of 75 students in the PD-IP Zoning District. Newton School is the applicant and Clark-Hook Corporation is the owner of the application subject property, located at 45965 Nokes Boulevard, Sterling, VA 20166. The property is identified as: Tax Map /81///9///19/ PIN 030-20-3058-000. The parcel on which the building is located is zoned PD-IP under the Revised 1993 Zoning Ordinance (as amended through January 6, 2003). The Applicant proposes to use the site for a private school. The Applicant files this Special Exception to permit the development of a school within the Loudoun Commerce Center. The PD-IP Zoning District allows a private school use in the zoning district by special exception Section 4-504 (II).

**LOCATION**

The property is located at 45965 Nokes Boulevard, Sterling, VA 20166, within the Loudoun Commerce Center. The building in which the proposed school is located is a 41,133 SF mix of office and warehouse space.

**ZONING AND USE**

The zoning of the property is PD-IP (Planned Development –Industrial Park) for light and medium industrial uses, office uses, and necessary supporting accessory uses and facilities. The building in which the proposed school is located is fully constructed and no further exterior modifications will be necessary aside from appropriate signage. The landscape buffer required by the LCZO has been installed and is beginning to reach maturity. The landscaping is adequate to meet the needs of the proposed use. The original site plan for the site, STPL 1997-0038, was approved on 1/8/1999.

**PROPOSED USE**

The Newton School is a full-time educational program developed for children who may have difficulty reaching their full potential in a traditional school environment. The school, opening in September 2009 in Northern Virginia, serves students who have average to above average intellectual ability, in kindergarten through 6th grade. The program is built upon small class sizes and low teacher/student ratios, with a strong emphasis on the integration of therapeutic physical activity into the daily curriculum. Our belief is that

integrating movement into the school day helps enhance academic performance, improve physical ability, build self esteem, and prepare children to better meet life's challenges. The plan is to open the school with 20-30 students, and grow to 50-60 over the next several years, with a maximum enrollment of 75 students. There will be a maximum of 17 classrooms in the building, including but not limited to: classrooms, gyms, art, music, lunchroom & therapy rooms.

The school was incorporated in Virginia in December 2008, and has filed for a non-profit application with the IRS. The Washington DC law firm of Whiteford, Taylor & Preston is handling the filings. The school is financed through personal loans from the founder, as well as gifts, donations and grants from various organizations and individuals. There will be no outdoor use by the students and no food service provided by the school. Students will be dropped off and picked up daily. Hours of operation for the school will be 8:00AM to 6:00PM.

### **COMPREHENSIVE PLAN**

The proposed school site is located in an area identified in the Revised General Plan as in the Suburban Policy Area. The site is also defined as being part of the Keynote Employment business land use. The proposed school use is consistent with the land use policies expressed in the plan as a civic land use, of which there is no maximum permitted within the Keynote Employment Area.

### **SPECIAL EXCEPTION STANDARDS FOR APPROVAL STANDARDS**

The applicant submits that the proposed special exception on the subject property meets or satisfies the standard criteria set forth in Section 6-1310 of the 1993 Loudoun County Zoning Ordinance.

- (A) The proposed special exception use is consistent with the Comprehensive Plan. The site falls within the Keynote Employment land use area which recommends a minimum 5% public and civic use, the private elementary school is considered a public and civic use per Plan policies. The 11,905 SF school use would bring total square footage of public/civic use in Loudoun Commerce Center (168,200 SF total) to 7%, bringing the center into conformance with the recommendations within the General Plan. Consistency with the Comprehensive Plan was confirmed by Community Planning comment letter dated May 5, 2009.
- (B) The proposed special exception use will adequately provide for safety from fire hazards and will have effective measures of fire control.
- (C) The noise level of the proposed special exception use will not negatively impact the uses in the immediate area. There will be no outside play area for the school and interior classroom spaces will be properly insulated.
- (D) The proposed special exception use will not generate glare of light and will not negatively impact uses in the immediate area. The school hours are 8:00 AM to 6:00 PM so minimal light will be produced during evening hours. No modifications to the



building exterior will be made, thus no lighting impacts will occur from this special exception.

- (E) The proposed special exception use is compatible with other existing uses in the neighborhood and adjacent parcels as it fills an approved public and civic use to the Keynote Employment Center in which it will be located. The private school offers a much needed educational alternative for the growing number of school children in the Potomac Election District and will service the local businesses within the Loudoun Commerce Center and surrounding office parks.
- (F) There is sufficient existing landscaping, screening, and buffering on the site and in the neighborhood to adequately screen surrounding uses. All required landscaping is installed and on its way to maturity.
- (G) The proposed special exception use will have no impact on preservation of topographic or physical, natural, scenic, archeological or historic feature of significant importance. There is no proposed grading, or exterior construction which will alter the site and its surrounds in any way.
- (H) The proposed special exception use will not damage existing animal habitat, vegetation, water quality (including groundwater) or air quality as no new construction is proposed.
- (I) The proposed special exception use at this site will contribute to the welfare and convenience of the public and serve the surrounding residents and businesses by providing a school which would enable them to drop off their children in the same community in which they work.
- (J) The traffic expected to be generated by the proposed use will be adequately and safely served by existing roads surrounding the property as shown by Traffic Impact Analysis completed by Gorove Slade & Associates. There is an existing asphalt trail along the south side of Nokes Boulevard which will adequately and safely serve any and all pedestrian needs for the site.
- (K) The existing structure proposed to be converted to the school use will meet all code requirements of Loudoun County.
- (L) The proposed special exception use will be served adequately by essential public facilities and services as it will become part of the existing Loudoun Commerce Center.
- (M) The proposed special exception use will have no adverse effect on groundwater supply as no new construction is proposed. Loudoun Water has no objection to this application in a letter dated April 24, 2009.

- (N) The proposed special exception use will have no adverse effect on the structural capacities of the soils as no new construction is proposed.
- (O) The proposed special exception use will not negatively impact orderly and safe road development and transportation as no new construction is proposed and no road improvements are anticipated by VDOT (letter dated May 5, 2009) and Office of Transportation Services (letter dated May 1, 2009).
- (P) The Special Exception will provide employment and will enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan, specifically, civic uses in a built out PD-IP Keynote Employment Center.
- (Q) The Special Exception takes into consideration the needs of agriculture, industry and businesses in future growth. No existing agricultural activity in the vicinity will be impacted by this special exception.
- (R) Adequate on and off-site infrastructure is available, and has been constructed.
- (S) The proposed special exception use will not generate odors which may negatively impact adjacent uses. There will be no manufacturing or processing which would generate such odors as this is a private elementary school.
- (T) The proposed special exception will use sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas however minimal impact is anticipated due to the nature of improvements required. All modifications to existing building will occur internally aside from modified signage.

#### **TRANSPORTATION / PUBLIC IMPROVEMENTS**

No transportation or public improvements will be required by this special exception. Nokes Boulevard is built to its ultimate section, and it has a fully functional traffic signal. Adequate parking currently exists in the parking lot of the Loudoun Commerce Center Building which satisfies the requirements of the LCZO.

#### **TRAFFIC IMPACT**

As stated in the Traffic Impact Analysis completed by Gorove Slade & Associates, the proposed Newton School will provide instruction for kindergarten through 6<sup>th</sup> grade. The anticipated hours of operation are 8:30 a.m. to 3:15 p.m., with some after school programs running until 6:00 p.m. The proposed use will generate 32 additional AM peak hour trips, 58 less PM peak hour trips and 23 less trips during the day than the approved/existing use. The site intersection along Nokes Boulevard operates under acceptable levels of service (D or better). The proposed school will have a negligible impact on the surrounding roadway network and no roadway improvements are required.

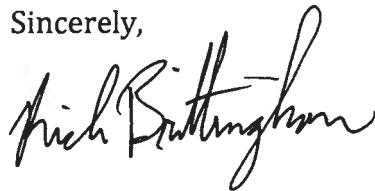
**PUBLIC UTILITIES**

The property is served by public sewer and water from the Loudoun County Sanitation Authority. Current service to the property is adequate to serve the proposed use.

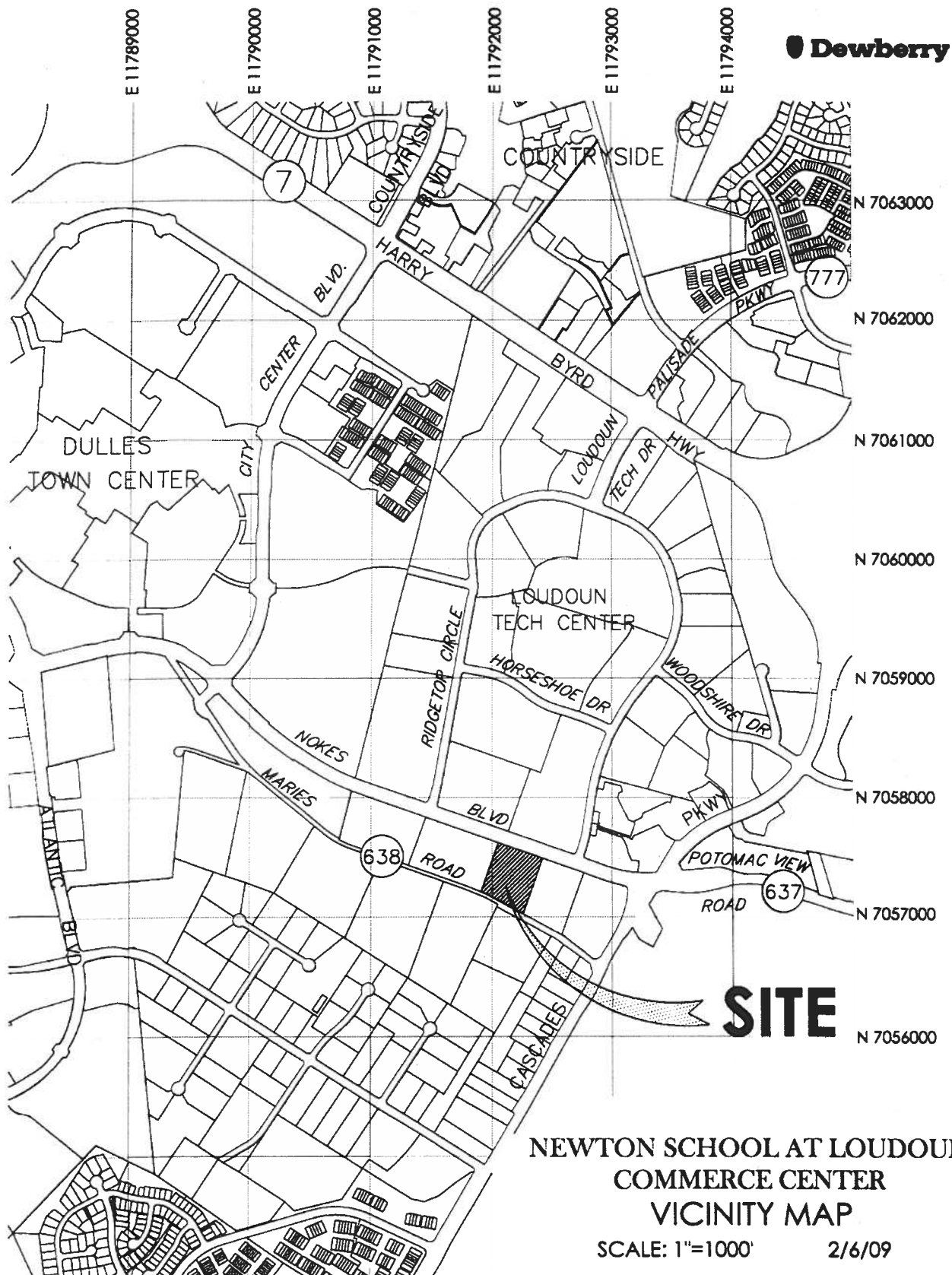
**CONCLUSION**

The Newton School at Loudoun Commerce Center will provide a much needed educational alternative for the growing number of school children in the Potomac Election District. Its location within the Keynote Employment District ensures a continual population of professional parents with various schooling needs for their children. With all construction limited to interior refinements this is a low impact addition to the educational opportunities for the students of Loudoun County.

Sincerely,

A handwritten signature in black ink, reading "Rich Brittingham". The signature is fluid and cursive, with the first name "Rich" and last name "Brittingham" clearly legible.

Rich Brittingham, RLA  
Dewberry





1503 Edwards Ferry Road, NE  
Suite 200  
Leesburg, Virginia 20176

703-771-8004  
703 771-4091 fax  
www.dewberry.com

May 5, 2009

Loudoun County Department of Planning  
1 Harrison Street, S.E.  
3<sup>rd</sup> Floor  
P.O. Box 88  
Leesburg, VA 20177-7000



**RE: Special Exception: The Newton School – SPEX 2009-0007  
1st Submission Comment Response Letter**

Ms. Steele,

We offer the following responses to various referral letters.

**Department of Fire & Rescue – April 27, 2009**

- No objections/comments

**Loudoun Water – April 24, 2009**

- No objections/comments

**Zoning Administration – April 13, 2009**

**Statement of Justification**

- 1. The title block and opening paragraph of the Statement of Justification list the section of the zoning ordinance permitted permitting school by special exception in the PD-IP zoning district as Section 4-504(LL). Please correct these references as the section listing school as a SE use is Section 4-504(II).**
  - Statement of Justification and note 2 on Sheet 1 of the SPEX plan have been revised
- 2. Under proposed use, the applicant has listed the hours of operation from 8:00 AM until 5:00 PM, while under the Traffic Impact it is noted some after school activities could run until 6:00 PM. Please verify the correct hours.**
  - Hours of operation have been revised to 8:00 AM – 6:00 PM
- 3. Justification for each standard criteria listed in Section 6-1310 will need to be more detailed.**
  - Standard criteria justification has been revised

**Special Exception**

- 4. Please update General note 4 to reference Section 5-1200 regarding conformance to sign regulations**
  - Note has been revised

**Office of Transportation Services – May 1, 2009**

1. The traffic impact study shows the trip generation data for the proposed use that would add 32 trips to the adjacent road network during the AM peak hour, reduce PM peak hour trips by 58 and reduce daily trips by 23. As indicated in the traffic study, the traffic impact will not be significant and therefore the proposed site will not require any improvements to its frontage along Nokes Boulevard. Similarly, the intersection of Nokes Blvd. / Ridgetop Circle currently operates and is projected to operate at an acceptable level of service and does not require a signal.
  - Comment Acknowledged
2. The applicant should provide handicapped-accessible ramps to facilitate access to the existing building that meet ADA standards in terms of width and slope.
  - Handicap accessible ramps exist in front of the proposed school entrance

**VDOT – May 5, 2009**

1. There are discrepancies in the Statement of Justification and the Traffic Impact Study relating to the maximum number of students and the hours of operation. The TIS indicates 60 students as “worst case scenario”, yet the Statement of Justification indicates a maximum enrollment of 75 students. Also, the TIS indicates hours of operation from 8:30 to 3:15, yet the Statement of Justification indicates 8:00 to 5:00 on one page, and “8:30 to 3:15 with some after school programs running until 6:00” on another page. This office would recommend clarification be provided on these two items.
  - Information has been revised on SPEX Plan
2. Although the above items may cause an adjustment to some of the data in the TIS, this office would not anticipate the need for roadway improvements associated with this application, as it appears the existing entrance location, turn lanes, and roadway network are adequate to accommodate the proposed use.
  - Comment Acknowledged

**Community Planning – May 5, 2009**

1. Staff finds the proposed private school use is generally in conformance with the Keynote Employment land use policies of the Revised General Plan. Staff recommends that appropriate conditions of approval be developed to ensure that potential negative impacts on surrounding uses will be avoided, minimized or mitigated. To help staff with this analysis, the Applicant should provide information regarding state and/or other regulations pertaining to private schools, including the Applicant’s intent to seek accreditation, as well as more

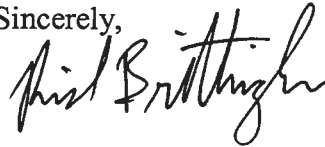


**detailed justification for each standard criteria listed in Section 6-1310 of the Zoning Ordinance**

- The need for some approval conditions has been acknowledged by the applicant, these conditions will be developed by the Project Manager in effort to mitigate the impacts of the special exception. The Applicant has provided information regarding state school regulations (attached). Standard criteria justification has been revised.
- 2. Staff notes that the proposed school use, which may be tax exempt, would not generate tax revenues needed in the Route 28 Tax District to offset fiscal impacts.**
- Comment Acknowledged

If there are any questions regarding the comment responses above, feel free to contact me at 703-771-8004 or email me at [rbrittingham@dewberry.com](mailto:rbrittingham@dewberry.com). Thank you.

Sincerely,



Rich Brittingham

**Attachments:**

- 1) Virginia Private School Regulations Summary  
The Friedman Foundation – Virginia Summary

May 5, 2009

Loudoun County Department of Planning  
1 Harrison Street, S.E.  
3<sup>rd</sup> Floor  
P.O. Box 88  
Leesburg, VA 20177-7000

**Virginia Private School Regulations Summary**

Ms. Steele,

At the request of Community Planning, we have provided a summary document of the Virginia Private School Regulations. To clarify on a few of the points touched on in the attached summary please refer to the statements below:

- The Newton School is a member of The Virginia Council for Private Education currently, and intends to become accredited by one of the independent governing groups once they are up and running. A school cannot be accredited until it is fully operational.

- The Newton School does not plan to accept state subsidies for internet access, thus bullet point '3' under "Health & Safety" does not apply.

- The Newton School does not plan to have a regular school bus for transportation (it will use vans) so the bus driver regulations do not apply.

The Newton School plans on following the Virginia Standards of Learning for their academic curriculum. This is noted on The Newton School website. For more information on these standards please see the website below:

<http://www.doe.virginia.gov/VDOE/Superintendent/Sols/home.shtml>

If you have any further questions, please contact me and I'll do my best to clarify or provide any additional information. Thank you.

Sincerely



Rich Brittingham, RLA

Attachments:

- 1) The Friedman Foundation – Virginia Summary

# VIRGINIA

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## **ACCREDITATION, LICENSING & APPROVAL**

### **Applies to all private schools**

- Private schools need not be accredited. However, on a voluntary basis, the state Board of Education recognizes accreditation conducted by accrediting bodies that are approved by the Virginia Council for Private Education. When students transfer from private school to public school, state law only guarantees that private school course credits will be recognized if they were completed at a state-recognized accredited school.

## **TRANSPARENCY & REPORTING**

### **Applies to all private schools**

- Private schools must submit and maintain a guaranty instrument payable to the state and conditioned to protect the contractual rights of students and other contracting parties. The amount of the bond is established by Board of Education regulations; the minimum bond for any school is \$1,000.
- Private school teachers must keep an accurate daily record of attendance of all students. These records must be made available at any time to state officers, who may inspect or copy them.
- Private schools must keep a record of each student's immunizations as part of the mandatory permanent student record. Such record must be open to inspection by state and local health officials and must be transferred by the school whenever it transfers a student's permanent academic or scholastic records.
- Within 30 calendar days after the beginning of each school year or entrance of a student, private schools must file a report with the local health department stating the number of students admitted to school with documentary proof of immunization, the number of students admitted with a medical or religious exemption and the number of students conditionally admitted, including those who are homeless.

## **CURRICULUM & ACADEMICS**

### **Applies to all private schools**

- Private schools must operate for the same number of days and hours per day as public schools. The standard school year must consist of 180 school days, averaging 5.5 hours per day (not including meals and recess), or 3 hours for kindergarten.

## **HEALTH & SAFETY**

### **Applies to all private schools**

- Students enrolling in private schools must submit documentary proof of immunization, unless the student is exempted from immunization for health or religious reasons.
- Upon the identification of an outbreak, potential epidemic or epidemic of a vaccine-preventable disease in a private school, state health officials may require the exclusion of all students who are not immunized.
- Private schools that accept state subsidies for Internet access must select a technology that filters or blocks child pornography and obscenity from all computers with Internet access.

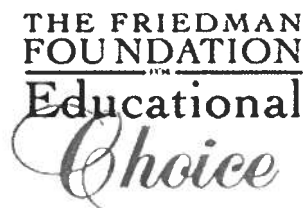
- Students and teachers must wear industrial-quality eye-protective devices while participating in any activity that poses an eye hazard. Private schools must furnish the eye-protective devices free of charge or at cost; however, such devices also may be furnished by parents or guardians of such students. Eye-protective devices must be furnished to all visitors.
- Private schools must post a notice that any teacher who has reason to suspect a child is abused or neglected, including any child who may be abandoned, is required to report that to local or state social services agencies or the person in charge of the relevant school or a designee. The notice must include the state Department of Social Services' toll-free child abuse and neglect hotline.
- Private school bus drivers must present the same documents and meet the same qualifications required of public school bus drivers, including physical examination forms.
- Private school buses operating on a highway with two or more roadways that are separated by a physical barrier or unpaved area or that have five or more lanes where the center lane is a flush median marked for use by turning traffic only must be routed so that no student is picked up or discharged at any point that will require a student to cross the highway to reach the bus or to return to his or her residence.
- Private schools may be inspected by the local fire marshal. In areas of the state where there is no fire marshal, the state conducts an annual fire inspection.

**Applies only to accredited private schools**

- Job applicants at state-recognized accredited private schools must submit to fingerprinting and provide personal descriptive information to be forwarded with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history information.
- Each state-recognized accredited private school must have a written crisis management plan.

**MISCELLANEOUS**

- Local school districts may enter into agreements with private schools to provide transportation, but are not required to do so.



This list was compiled by the Friedman Foundation for Educational Choice based on publicly available laws and regulations. In each state we sought the assistance of the state's Department of Education in ensuring the accuracy of our information. However, given the enormous volume of relevant laws and regulations, some errors or omissions may still occur. The Friedman Foundation welcomes suggestions for corrections or additions to this list. For more information on the regulation of private schools, see "Fifty Educational Markets: State Laws and Regulations Governing Private Schools" by Friedman Foundation Senior Fellow Chris Hammons.